

Approved: Juliana Murray
JULIANA N. MURRAY
Assistant United States Attorney

Before: THE HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

18 MAG 0669

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violation of 18 U.S.C.
	:	§ 2113(a)
DAVID MICHAEL HYLTON,	:	
a/k/a "Michael,"	:	COUNTY OF OFFENSE:
a/k/a "Winnie"	:	BRONX
	:	
Defendant.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Jestin A. Llewellyn, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"):

COUNT ONE
(Bank Robbery)

1. On or about January 25, 2018, in the Southern District of New York, DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, knowingly, by force and violence, and by intimidation, did take, and attempt to take, from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management, and possession of a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), to wit, HYLTON obtained money from a bank in the Bronx, by demanding that a bank employee turn over to HYLTON money in the bank's custody.

(Title 18, United States Code, Section 2113(a).)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

2. I am a Special Agent with the FBI. I am personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officials, my examination of reports and records prepared by law enforcement officials, and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Bank Robbery

3. Based on my review of security video footage from Bank-1, I have learned, in substance and in part, the following:

a. On or about January 25, 2018, at or about 10:21 a.m., a man who has since been identified as DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, walked into a bank ("Bank-1") at 2198 White Plains Road at the corner of White Plains Road and Pelham Parkway South in the Bronx, New York and approached teller window 6. After failing to get the attention of the teller, HYLTON walked down the bank floor and approached the locked door to the secure teller area of the bank.

b. HYLTON knocked on the door to the secure teller area and an employee of Bank-1 ("Teller-1") buzzed HYLTON into the secure area.

c. When HYLTON entered the secure teller area, Teller-1 continued to transact with the customer at the teller window ("Customer-1").

d. HYLTON approached Teller-1, who was counting money, and said, "Give me the money." HYLTON was holding what appeared to be a shotgun.

e. HYLTON grabbed a stack of money from Teller-1's hands.

f. Teller-1 looked at HYLTON and noticed the object HYLTON was holding, which appeared to be a shotgun.

g. HYLTON walked to the door of the secure teller area, fidgeted with the door, opened the door, and walked out of the secure teller area and out of Bank-1.

h. Upon exiting Bank-1, HYLTON walked northbound on White Plains Road.

4. Based on my interviews of Teller-1 and Customer-1 on January 25, 2018, I have learned, in substance and in part, the following:

a. DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, told Teller-1, after he had entered the secure teller area, in substance and in part: "Give me the money."

b. HYLTON was holding what Teller-1 and Customer-1 believed to be a shotgun.

c. Teller-1 explained that Teller-1 was scared and concerned for the safety of other Bank-1 employees and customers in the vicinity.

5. Based on my discussions with other law enforcement agents, I know that HYLTON took approximately \$7,210 from Bank-1.

HYLTON is Preliminarily Identified

6. Based on my review of security video footage from Bank-1, I have learned, in substance and in part, the following:

a. The man who robbed Bank-1 appeared to be Black, in his early-thirties, and wore a black quilted jacket, a black hooded sweatshirt, black pants, black boots, and a rolled-up black scarf or beanie around his forehead. The man also carried a dark-colored backpack and a metal object that appeared to be a shotgun of some kind.

b. After he fled Bank-1, the man who robbed Bank-1 walked northbound on White Plains Road at approximately 10:23 a.m.

7. Based on my conversation with an employee of a pizzeria ("Pizzeria") located in the vicinity of Bank-1 ("Employee-1") on January 25, 2018, I have learned, in substance and in part, the following:

a. After hearing a description of the man who robbed Bank-1, including a description of the weapon the individual appeared to be carrying during the robbery, Employee-1 indicated that he knew the individual as "Michael" or "Winnie."

b. Employee-1 said that DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, came to the Pizzeria nearly every day.

c. Employee-1 said HYLTON was known around the neighborhood and was "always" carrying the object that appeared to be a shotgun, which Employee-1 described as a metal object.

d. HYLTON entered the Pizzeria when the Pizzeria was opening on the morning of January 25, 2018 and remained around the Pizzeria for approximately twenty minutes.

e. Approximately an hour later, HYLTON walked past the Pizzeria and Employee-1 walked out of the Pizzeria to ask where HYLTON was going and noticed that HYLTON had money in his pocket.

f. HYLTON said to Employee-1 in substance and in part: "Hey, you need money? You want money?"

g. Employee-1 declined the offered money and HYLTON walked away.

h. Employee-1 believed HYLTON lived in a vacant building on Barnes Avenue in the vicinity of Astor Avenue.

8. Based on my review of security footage from the Pizzeria on or about January 25, 2018, my conversations with other law enforcement officials, and my review of law enforcement reports, I have learned, in substance and in part, the following:

a. DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, approached the Pizzeria at approximately 9:34 a.m. on January 25, 2018 and remained outside the Pizzeria for approximately thirty minutes before leaving.

b. At approximately 10:28 a.m., HYLTON walked past the Pizzeria and Employee-1 and another employee of the Pizzeria

("Employee-2") walked out of the Pizzeria and motioned to and appeared to speak with HYLTON.

c. In the January 25, 2018 security footage from the Pizzeria, HYLTON was wearing the same clothing as the clothing worn by the individual depicted in the security video footage from Bank-1 who robbed Bank-1 on January 25, 2018.

9. Based on my conversation with a superintendent ("Superintendent") of a building located on Astor Avenue between Wallace Avenue and Barnes Avenue ("Building-1") and my review of security footage from Building-1 on or about January 25, 2018, I have learned, in substance and in part, the following:

a. After hearing a description of the man who robbed Bank-1, Superintendent indicated that he knew the individual and that the individual "always" hung around the lobby of Building-1.

b. From at or about midnight until at or about 1:00 a.m. on January 25, 2018, an individual was present in the lobby of Building-1 wearing the same clothing as the clothing worn by the individual depicted in the security video footage from Bank-1 who robbed Bank-1 on January 25, 2018.

c. At approximately 10:32 a.m. on January 25, 2018, the same individual depicted in the security camera footage from earlier on January 25, 2018 was present in the lobby of Building-1, wearing the same clothing as the clothing worn by the individual depicted in the security video footage from Bank-1 who robbed Bank-1 on January 25, 2018.

10. Based on my conversations with other law enforcement officials, and my review of law enforcement reports, I have learned, in substance and in part, the following:

a. Teller-1 was shown a photo array of six photographs and positively identified a photograph of DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, as depicting the individual who robbed Bank-1.

b. Customer-1 was shown a photo array of six photographs and positively identified a photograph of HYLTON as depicting the individual who robbed BANK-1.

HYLTON Is Arrested

11. Based on my personal observations, conversations with other law enforcement officials, and my review of law enforcement reports, I have learned, in substance and in part, the following:

a. On or about January 25, 2018, after Employee-1 stated that DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, had been outside the Pizzeria earlier that day and security footage from the Pizzeria confirmed that HYLTON had been outside the Pizzeria earlier that day, New York City Police Department ("NYPD") officers and FBI agents canvassed the streets in the vicinity of the Pizzeria.

b. On Astor Avenue, approximately two blocks east of the Pizzeria, law enforcement officials observed a Black male who appeared to be wearing clothing similar to the clothing worn by the individual depicted in the security video footage from Bank-1 who robbed Bank-1 on January 25, 2018.

c. Law enforcement officials approached the male when he reached the vicinity of the Pizzeria and asked for his name, to which the male replied, "Michael." The law enforcement officials asked for his last name, to which he replied, "Alien."

d. During this interaction, one NYPD officer looked through the window of the Pizzeria and made eye contact with Employee-1, who shook his head "yes" and gave the officer a thumbs-up motion with his hand.

e. Law enforcement officials then apprehended HYLTON, frisked his pockets to check for a weapon, and found large amounts of cash in the front pockets and a rear pocket of HYLTON's pants.

f. Law enforcement officials conducted a search of HYLTON's backpack incident to his arrest. Inside the backpack, the agents observed a jacket that appeared similar to the jacket worn by the individual who robbed Bank-1, as depicted in surveillance video from Bank-1.

g. Law enforcement officials scanned HYLTON's fingerprints and received a match for a "David Michael Hylton."

h. Based on my comparison of viewing DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, in

person outside the Pizzeria with the above-referenced video footage, see supra ¶¶ 3, 6, 8, 9, it appears that HYLTON is the man who robbed Bank-1.

HYLTON's Dwelling Is Searched

12. Based on my personal observations, my conversations with other law enforcement officials, and my review of law enforcement reports, I have learned, in substance and in part, the following:

a. Employee-1 believed DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, stayed in a vacant building on Barnes Avenue in the vicinity of Astor Avenue.

b. The only vacant building on Barnes Avenue in the vicinity of Astor Avenue is 2324 Barnes Avenue, on Barnes Avenue between Waring Avenue and Astor Avenue.

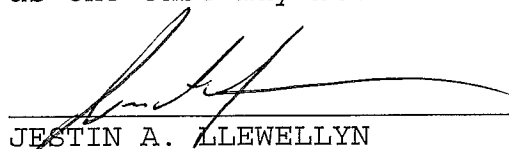
c. FBI agents identified the vacant building located at 2324 Barnes Avenue and entered the building.

d. In plain view were, among other things, a metal weapon matching the appearance of the weapon HYLTON was carrying during the robbery, as depicted in the security video footage from Bank-1, and a folder containing pages with scribbled words, including the following, in substance and in part: "Name: David Michael Hylton," "Name: David St. Michael Hylton," and "Address: 2324 Barnes Avenue."

Federal Deposit Insurance Corporation

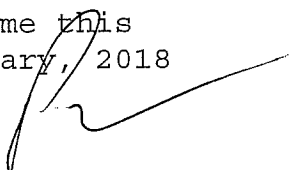
13. From my review of publicly available materials, as well as my training and experience as a Special Agent of the FBI, I know that, at all relevant times, the deposits of Bank-1, were insured by the FDIC.

WHEREFORE, the deponent respectfully requests that DAVID MICHAEL HYLTON, a/k/a "Michael," a/k/a "Winnie," the defendant, be imprisoned or bailed, as the case may be.



JUSTIN A. LLEWELLYN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
26th day of January, 2018



THE HONORABLE ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK